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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,147	03/29/2006	Guy Jozef Maria Dekkers	NL031218US1	3775

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER
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QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2889

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07/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,147	<b>Applicant(s)</b> DEKKERS ET AL.	
	<b>Examiner</b> Kevin Quarterman	<b>Art Unit</b> 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and remarks received on 24 April 2009 have been entered.

### ***Election/Restrictions***

2. Newly submitted claims 10-16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9 and 17-21, drawn to a high-pressure discharge lamp, classified in class 313, subclass 631.
  - II. Claims 10-16, drawn to a method for producing a high-pressure discharge lamp, classified in class 445, subclass 27.

The inventions are distinct, each from the other because of the following reasons:

4. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the high-pressure discharge lamp can be made by replacing the step of welding the first leadthrough conductor to the first current supply conductor with a step of soldering or brazing the first leadthrough conductor to the first current supply conductor.

5. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 10-16 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Geselleschaft (GB 476,836).

10. Regarding independent claim 17, Figure 1 of Geselleschaft shows a discharge bulb comprising a vessel (1) enclosing, in a gastight manner, a discharge space provided with an ionizable filling, the discharge vessel having a first and a second mutually opposed portion forming a first (5) and a second (4) leadthrough, and a first (12) and second (11) leadthrough conductor that extend, respectively to a pair of electrodes (2, 3) arranged in the discharge space, the first leadthrough conductor being shaped with a plurality of bends that facilitate direct connection to a current supply conductor in a lamp base (8).

11. Regarding claim 18, Figure 1 of Geselleschaft shows the first leadthrough conductor including: a first section extending from the first leadthrough along the longitudinal axis towards the lamp base, a second section bended away extending

effectively traverse to the longitudinal axis, and a third section extending towards the first contact member.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geselleschaft (GB 476,836) in view of Olwert (EP 0,429,256).

15. Regarding independent claim 2, Figures 1 and 2 of Geselleschaft show a discharge lamp comprising an outer bulb (20) in which a discharge vessel (1) is arranged around a longitudinal axis, the discharge vessel enclosing, in a gastight manner, a discharge space provided with an ionizable filling, the discharge vessel

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having a first and a second mutually opposed portion forming a first and a second leadthrough through which a first (5) and a second (4) leadthrough conductor, respectively, extend to a pair of electrodes (2, 3) arranged in the discharge space, a lamp base (8) of electrically insulating material supporting the discharge vessel via a first current supply conductor (18), and a second current supply conductor (17) electrically connected to the second leadthrough conductor forming a respective first and a second current path to the pair of electrodes, the lamp base also supporting the outer bulb, the outer bulb enclosing the first and second current supply conductors, the outer bulb being connected to the lamp base in a gas-tight manner, wherein the first leadthrough conductor includes: a first section extending from the first leadthrough along the longitudinal axis towards the lamp base, a second section bended away extending effectively traverse to the longitudinal axis, and a third section extending towards the first contact member.

16. Gesellschaft teaches the limitations of independent claim 2 discussed earlier but fails to exemplify the first current supply conductor having a weld with the first leadthrough conductor.

17. Olwert teaches, in the sole figure, that it is known in the art to provide a lamp with a first current supply conductor (26) having a weld (pg. 3, ln. 12-15) for with a first leadthrough (22) for forming a current path to the filament (14).

18. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lamp of Gesellschaft with the first

current supply conductor having the weld taught by Olwert for forming a current path the electrodes.

19. Regarding claim 8, the sole figure of Olwert shows the weld of the first current supply conductor with the first leadthrough conductor as a butt-weld. Same motivation as above.

20. Regarding claim 9, Gesellschaft teaches the limitations of claim 2 discussed earlier but fails to exemplify the first section having a length of at least 1mm.

21. Olwert teaches that it is known in the art to provide a discharge lamp with a current path having a first section with a length of at least 1mm (pg. 4, ln. 1-3). Olwert discloses this arrangement is provided for improving the resistance of the lamp to breaking under impact stress (pg. 2, ln. 1-2).

22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the discharge lamp of Gesellschaft with the current path structure taught by Olwert for improving the resistance of the lamp to breaking under impact stress.

### ***Allowable Subject Matter***

23. Claims 3-7 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

24. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 3, the prior art of record neither shows or suggests a high-pressure discharge lamp comprising, in addition to other limitations of the claim, the



second section of the first current path comprising two U-bends. Due to their dependency upon claim 3, claims 4-6 are also allowable.

25. Regarding claim 7, the prior art of record neither shows or suggests a high-pressure discharge lamp comprising, in addition to other limitations of the claim, the weld of the first current supply conductor with the first leadthrough conductor being in the third section of the first current path.

26. Regarding claim 19, the prior art of record neither shows or suggests a discharge bulb comprising, in addition to other limitations of the claim, the second section of the first current path comprising two U-bends. Due to their dependency upon claim 19, claims 20-21 are also allowable

### ***Response to Arguments***

27. Applicant's arguments filed 24 April 2009 have been fully considered but they are not persuasive.

28. In response to applicant's argument that the applied prior art does not teach a leadthrough conductor that includes a plurality of sections, including a section that is effectively transverse to the longitudinal axis of the discharge lamp, the Examiner respectfully disagrees. Figure 1 of Gesellschaft shows a leadthrough conductor (12) that includes a plurality of sections. The Examiner notes that many sections can be defined throughout the length of the leadthrough conductor. The Examiner also notes that the term "transverse" is defined to mean "lying or extending across or in a cross direction" ([www.dictionary.com](http://www.dictionary.com)). The leadthrough conductor of Gesellschaft includes such a section that lying in a cross direction (transverse) to the longitudinal axis. This

section is shown as the slanted section where the line from "12" meets the conductor. Thus, the Examiner holds that Gesellschaft teaches a leadthrough conductor that includes a plurality of sections, including a section that is effectively transverse to the longitudinal axis of the discharge lamp, as recited in independent claim 2 of the instant application.

### ***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571)272-2461. The examiner can normally be reached on M-TH (7-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2889

/Toan Ton/  
Supervisory Patent Examiner  
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/K. Q./  
Examiner, Art Unit 2889  
15 July 2009